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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,449	07/30/2007	Ronald Symens	CTA. P0003	8464
7590 08/19/2009				
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Akron, OH 44308-1456				
EXAMINER				
MAZUMDAR, SONYA				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
08/19/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/590,449

Applicant(s)

SYMENS ET AL.

Examiner

SONYA MAZUMDAR

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006 and 27 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/27/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being unpatentable by Kokobu et al. (US 6,144,033)

Kokobu et al. teach a tire labeling system for positioning a label on the surface of a tire, comprising:

- an applicator (20) configured to receive the label for placement on the tire,
- a frame (7) carrying the applicator, the frame facilitating movement of the applicator,
- a horizontal drive unit (10) for moving the applicator along the first axis,
- a rotating mechanism (8) for a shaft (9) supported by the drive unit for moving the applicator along a second axis, and
- a cylinder actuator (26) supported by the second guide for pushing the applicator along the third axis and towards a tire (1) (column 3, lines 17-63; column 4, lines 54-58; Figure 3).

3. Claims 12 and 13 are rejected under 35 U.S.C. 102(b) as being unpatentable by Kokobu et al.

Kokobu et al. teach a tire labeling system for positioning a label on the surface of a tire, comprising:

- an applicator (20),
 - a frame (7) carrying the applicator, the frame facilitating movement of the applicator along different axes
 - the applicator including a cylindrical head (27) and an arm (26) supporting the head,
 - the arm being rotatably mounted relative to the frame (column 3, lines 53-63), and rotatable between a pick-up position and an application position, and
 - the frame facilitating movement of the applicator along different axes (column 3, lines 17-63; Figure 3),
 - a horizontal drive unit (10) for moving the applicator,
 - a rotating mechanism (8) for a shaft (9) for rotating the applicator while moving vertically (column 3, lines 17-63; column 4, lines 54-58; Figure 3).
4. Claim 14 is rejected under 35 U.S.C. 102(b) as being unpatentable by Kokobu et al.

Kokobu et al. teach a tire labeling system for printing a label and applying the label onto the surface of a tire, comprising:

- a image processing device (31) for printing labels (column 4, lines 13-15),
- a platform supporting the labels (22),
- a take-up spool (23) for gathering the backing,
- an applicator (20), and

- a frame (7) carrying the applicator, the frame facilitating movement of the applicator along a first axis, a second axis, and a third axis (column 3, lines 17-63; Figures 3 and 4).
5. Claim 15 is rejected under 35 U.S.C. 102(b) as being unpatentable over Tanaka et al. (JP 2003-200721)

Tanaka et al. teach applying labels onto tires (abstract), comprising the steps of: supplying tire information regarding the tire to a computer; instructing a printer to print the tire information on a label; and using an applicator to remove the label from the printer and apply the label to the tire (paragraphs 0005-0010);

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 2 through 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kokobu et al. as applied to claim 1 above, and further in view of Tomosada et al. (JP 2003-221021).

The teachings of claim 1 are as described above.

With respect to claim 2, Kokobu et al. do not specifically teach a second guide that is a cross member, supported by two first guides for movement along the first axis. However, it would have been obvious for one having ordinary skill in the art to do so, as Tomosada et al. teach a pedestal (15) which is tilted by a position substitute means (5), supported by guides of a torque limitation machine (paragraphs 0020-0022; Figures 4 and 5), to provide enough structural support for a label applicator to be moved multiple directions and apply a label onto a tire.

With respect to claim 3, Kokobu et al. in view of Tomosada et al. teach a third guide that is a post that can be moved vertically, the post supported by the second guide for movement along the horizontally (paragraph 0021; Figure 4).

With respect to claim 4, Kokobu et al. in view of Tomosada et al. teach a carriage carrying the applicator (31) is supported by the post, the carriage being moveable on the post vertically.

With respect to claim 5, Kokobu et al. in view of Tomosada et al. teach an applicator to include an arm rotatably attached to the carriage, the arm being rotatable between a pick-up position and an application position (Figure 5).

With respect to claim 6, Kokobu et al. in view of Tomosada et al. teach providing an applicator to include a head having a surface for receiving the label, the head being repositionable, according to movement of the arm, and movement of the applicator along different axes, to pick up the label and apply the label to the tire (paragraphs 0022-0023; Figure 5).

10. Claims 7 through 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kokobu et al. in view of Tomosada et al., as applied to claims 1 and 6 above, and further in view of Tanaka et al. (JP 2003-200721)

The teachings of claims 1 and 6 are as described above.

With respect to claim 7, Kokobu et al. in view of Tomosada et al. do not specifically teach providing the surface of an applicator with an opening and in communication with a vacuum line adapted to selectively apply a vacuum to pick up the label. However, it would have been obvious to one having ordinary skill in the art to do so, as Tanaka et al. teach connecting a label attachment device to a vacuum means to assist in picking up labels to apply to tires (paragraphs 0009 and 0018).

With respect to claims 8 and 9, Kokobu et al. in view of Tomosada et al. teach an applicator to include an arm rotatably attached to a frame of the labeling system, comprising a carriage carrying an applicator, the arm being rotatable between a pick-up position and an application position (Figure 5).

With respect to claims 10 and 11, Kokobu et al. in view of Tomosada et al. teach providing an applicator including a head having a surface for receiving the label, the head being repositionable, according to movement of the arm, and movement of the applicator along different axes, to pick up the label and apply the label to the tire (paragraphs 0022-0023; Figure 5).

11. Claims 16 through 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al., as applied to claim 15 above, and further in view of Lundell (US 5,264,066).

The teachings of claim 15 are as described above.

With respect to claim 16, Tanaka et al. do not specifically teach printing a label that is self-adhesive and mounted on a backing. However, it would have been obvious to one having ordinary skill in the art to do so, as Lundell teaches printing self-adhesive labels (504) on a backing web (502), separating the labels from the backing web, and applying the labels to tires (abstract; column 7, lines 33-52), as self-adhesive labels would be ready for application instead of requiring a separate step of applying adhesive prior to attaching labels.

With respect to claim 17, Lundell teaches that it would have been obvious to one having ordinary skill in the art to help extract labels from a backing web by selectively

applying a vacuum to an applicator (400) to separate a label (504) from the backing (abstract; column 6, lines 3-13; column 14, line 65 – column 15, line 55; Figure 14).

With respect to claim 18, although not specifically stated by Tanaka et al., it would have been obvious to orient an applicator to remove labels exiting a printer along a label path, and then after removing the labels, changing the orientation of the applicator to apply the label to the tire, so an applicator can move between a pick-up position and an application position.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONYA MAZUMDAR whose telephone number is (571)272-6019. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SM

/Philip C Tucker/
Supervisory Patent Examiner, Art Unit 1791